

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>Eugene Volokh,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 3:25-cv-00701</b>
	)	
<b>v.</b>	)	<b>District Judge Aleta Trauger</b>
	)	
<b>Williamson County Archives &amp; Museum;</b>	)	
<b>Bradley Boshers,</b> Archives Director for	)	
The Williamson County Archives &	)	
Museum; <b>Williamson County Circuit</b>	)	
<b>Court Clerk; Debbie McMillan Barrett,</b>	)	
Circuit Court Clerk.,	)	
	)	
<b>Defendants.</b>	)	

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**WILLIAMSON COUNTY DEFENDANTS' MOTION TO DISMISS**

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Come Defendants Williamson County Archives & Museum, Bradley Boshers in his official capacity, Williamson County Circuit Court Clerk's Office and Debbie McMillan Barrett in her official capacity as Williamson County Circuit Court Clerk ("County Defendants") pursuant to Rules 12(b)(1) & (6) of the Federal Rules of Civil Procedure and move the Court to dismiss the claims against them.

For cause, the County Defendants would show that Plaintiff's claims are not justiciable and/or Plaintiff's factual allegations fail as a matter of law to state a claim upon which relief can be granted. Plaintiff's claims are moot where the requested records have been provided. Plaintiff does not have standing to pursue claims against the Williamson County Circuit Court Clerk's Office and/or Debbie McMillan Barrett in her official capacity where Plaintiff does not allege that he made any request of or otherwise communicated with the Circuit Court Clerk's Office and he does not have third-party standing to assert the constitutional rights of his administrative assistant.

Plaintiff's allegations fail to state a claim upon which relief can be granted where, taking them as true, Plaintiff has not alleged facts demonstrating a violation of his constitutional rights under the Privileges and Immunities Clause or the First Amendment. The facts alleged by Plaintiff do not demonstrate the violation of a fundamental right protected by the Privileges and Immunities Clause. Access to public information is not protected by the Privileges and Immunities Clause. The Tennessee Public Records Act provides that records are available only to citizens of Tennessee. This citizens-only requirement does not violate the privilege of pursuing a common calling where it was not enacted for the protectionist purpose of burdening out-of-state citizens. Plaintiff's records request does not implicate access to courts where there is no allegation that Plaintiff sought to file suit in Williamson County either as a party or litigant, nor do the allegations otherwise demonstrate that Plaintiff was prohibited from filing suit or that his legal remedies were rendered ineffective by any action of Defendants. Indeed, there is no allegation that Plaintiff had any particular stake in the court proceeding at issue or that any person with such a stake in litigation is denied access by Williamson County court clerks.

Plaintiff does not have a First Amendment right to access the records sought. The First Amendment does not encompass an individualized right to acquire any and all information from the government. There is no allegation that the court proceedings related to the records requested by Plaintiff were not open to the public and the requested records remain available to over 7 million Tennessee citizens, to individuals with a stake in the case, and to any others who ask a Tennessee citizen to make a request on their behalf. The aims of ensuring participation in self-government, ensuring proper functioning of the judicial system and heightening public respect for the judicial process are achieved through such access to the records. Plaintiff has not alleged facts that would amount to a violation of his First Amendment rights.

For the foregoing reasons and as more specifically outlined in the Memorandum of Law filed herewith, Defendants respectfully request that the claims be dismissed.

Respectfully submitted,

/s/Lisa M. Carson

Lisa M. Carson, BPR# 14782

Lee Ann Thompson, BPR# 28040

**BUERGER, MOSELEY & CARSON, PLC**

*Attorneys for Defendants*

4068 Rural Plains Circle, Suite 100

Franklin, TN 37064

Telephone: (615) 794-8850

[lcarter@buergerlaw.com](mailto:lcarter@buergerlaw.com)

[lthompson@buergerlaw.com](mailto:lthompson@buergerlaw.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been electronically filed and delivered via the Court's ECF system to Attorneys for Plaintiff, Susan L. Kay, Jennifer Safstrom, [Jennifer.safstrom@vanderbilt.edu](mailto:Jennifer.safstrom@vanderbilt.edu), Ryan Riedmueller, [Ryan.riedmueller@vanderbilt.edu](mailto:Ryan.riedmueller@vanderbilt.edu), Vanderbilt Law School Stanton Foundation, First Amendment Clinic, 131 21<sup>st</sup> Ave. South, Nashville, TN 37203-1181 on this the 17th day of July, 2025.

/s/Lisa M. Carson

Lisa M. Carson